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In re Application of
RICHARDSON, Timothy M.
Application No.:
PCT No.: PCT/CA98/00249
Int. Filing Date: 20 March 1998
Priority Date: 21 March 1997
Attorney's Docket No.: H802542
For: MICROSCOPE SLIDE SYSTEM AND
METHOD OF USE

DECISION ON

PETITION UNDER

37 CFR 1.137(b)

This is in response to "PETITION UNDER 37 CFR § 1.137(B) TO REVIVE UNINTENTIONALLY ABANDONED APPLICATION" filed on 07 September 2000.

BACKGROUND

On 20 March 1998, this international application was filed, which claimed an earliest priority date of 21 March 1997. A copy of the intentional application was transmitted on 01 October 1998 to the USPTO from the International Bureau.

A Demand was filed on 19 October 1998 for the above international application. Accordingly, the deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 21 September 1999. This international application became abandoned with respect to the United States at midnight on 21 September 1999 for failure pay the basic national fee.

On 07 September 2000, applicant filed in the United States Patent and Trademark Office (PTO) the instant petition, and a transmittal letter for entry into the national stage in the U.S. under 35 U.S.C. 371, which was accompanied by, *inter alia*, the U.S. basic national fee and executed declaration.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.


Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.


Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing, including according the application a 35 U.S.C. 371 date of **07 September 2000**.


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